

IN THE UNITED STATES DISTRICT COURT FOR
THE MIDDLE DISTRICT OF ALABAMA

RECEIVED

Felena Dixon 131933 Paula Whaley - 185257
 Gail Tuckier 191059 Tabitha DICKERSON - 167077
 Brenda Power 162368 Estelle Carter
 Penrose Roberts - 159116 226770)
 Full name and prison number of)
 plaintiff(s))
)
 v.)
Commissioner Donald Campbell)
Tutwiler Administration)
Warden Gladys Deese)
Deputy Warden Frank Wright)
Ct. Lenita Hoffmire et al)
Defendants)
 Name of person(s) who violated)
 your constitutional rights.)
 (List the names of all the persons))

2005 JUN -3 A 9:44

DEBRA P. HARRIS, CLK
U.S. DISTRICT COURT
MIDDLE DISTRICT ALA

CIVIL ACTION NO. 2:05CV525-F
 (To be supplied by the Clerk of the
 U.S. District Court)

2:05CV578-F

I. PREVIOUS LAWSUITS

A. Have you begun other lawsuits in state or federal court dealing with the same or similar facts involved in this action? Yes () No ()

B. Have you begun other lawsuits in state or federal court relating to your imprisonment? Yes () No ()

C. If your answer to A or B is yes, describe each lawsuit in the space below. (If there is more than one lawsuit, describe the additional lawsuits on another piece of paper, using the same outline).

1. Parties to this previous lawsuit:

Plaintiff(s) _____

Defendant(s) _____

2. Court (if federal court, name the district; if state court, name the county)_____
_____3. Docket No. _____4. Name of Judge to whom case was assigned _____

5. Disposition (for example: Was the case dismissed? Was it appealed? Is it still pending?)

6. Approximate date of filing lawsuit _____

7. Approximate date of disposition _____

II. PLACE OF PRESENT CONFINEMENT Tutwiler Prison For Women
8966 - US Highway 231 N Wetumpka, Al 36092

PLACE OR INSTITUTION WHERE INCIDENT OCCURRED Tutwiler

III. NAME AND ADDRESS OF INDIVIDUAL(S) YOU ALLEGE VIOLATED YOUR CONSTITUTIONAL RIGHTS.

NAME	ADDRESS
1. Commissioner Donald Campbell	
2. Warden Gladys Deese - 8966 - US Highway 231N	Wetumpka Ala.
3. Deputy Warden Frank Albright	8966 - US Highway 231N
4. Lt. Penita Hawthorne - 8966 - US Highway 231N	Wetumpka, Ala
5.	
6.	

IV. THE DATE UPON WHICH SAID VIOLATION OCCURRED _____

Continuously

V. STATE BRIEFLY THE GROUNDS ON WHICH YOU BASE YOUR ALLEGATION THAT YOUR CONSTITUTIONAL RIGHTS ARE BEING VIOLATED:

GROUND ONE: Cruel & Unusual Punishment - 8th Amendment
Due Process Clause of 14th Amendment

STATE BRIEFLY THE FACTS WHICH SUPPORT THIS GROUND. (State as best you can the time, place, manner, and person involved).

All the Defendant in this action Individual & Official
Capacity while acting under Color of State law violated & continue
to violate their own established policy, procedure. Non-smokers
Are being unwillingly exposed to unreasonable levels of second-hand
smoking. In a no smoking inside the facility

GROUND TWO: The Deliberate Indifference to the Non-Smoker's Health + Welfare, now & in the future

SUPPORTING FACTS: Exposure to Unconstitutional High Levels of Environmental second Hand Smoke Failure of the Defendants to Enforce their policies and procedures

GROUND THREE: The Non-smokers are being subjected to cruel Punishment and further damage to their Health + Safety

SUPPORTING FACTS: Plaintiffs having experienced / suffered physically and mentally from the failure of the Defendants to adequately provide an environment that is not hazardous to one's Health, objective element subjected to scrutiny under the 8th Amendment

VI. STATE BRIEFLY EXACTLY WHAT YOU WANT THE COURT TO DO FOR YOU. MAKE NO LEGAL ARGUMENT. CITE NO CASES OR STATUTES.

1. Smoke Defectors to be kept in working Condition
2. Implement Rules Policies, Regulation while enforcing them to the max
3. Provide Non-Smoking Living Areas in each term
4. Compensating each Plaintiff for damages physical being experienced now & in the future Physical + Mental Anguish

Julie Dixon - See Attached Sheet

Sheet

I declare under penalty of perjury that the foregoing is true and correct.

EXECUTED on 5/27/05 6/1/05
(date)

See Attached sheet
Signature of plaintiff(s)

In Filing this Civil Action 42 U.S.C §1983

I. Plaintiff asserts every person / defendant acted under color of statute "Under color of State Law.

II 28 U.S.C §1333(3) provides the Court with jurisdiction to hear this case.

III The Defendants in his or her official and individual capacity deprived the Plaintiff(s) of rights secured by the U.S.C.A.

IV Deprivation of Right secured by Federal Law

A. Eighth Amendment which prohibits "cruel and unusual punishment"

B. Due Process Clause of the Fourteenth Amendment

V All available remedies have been exhausted that are available in the Oklahoma Department of Corrections to inmates at Tutwiler Prison for Women.

Plaintiffs Applying As joinder to Any And All
Civil Actions in Violation of their Constitution
Right's As non-smokers. Pro Se Inmates

NON-SMOKERS / Plaintiffs

Felicia Dixon	Felicia Dixon - 131933
Estella Carter	Estella Carter - AIS #226770
Gail Turner	Gail Turner - 191059
Brenda Powell	Brenda Powell - 162568#
Terriion Roberts	Terriion Roberts - 159116
Paula Whately	Paula Whately - 185251
Tabitha Dickerson	Tabitha Dickerson - 167077

Defendants

Commissioner Doral Campbell - Superior Supervisor A.D.O.C.
Warden Gladys Deese - Frank
Deputy Warden Albright (Albright)
Lt. Penita Hawthorne